

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

James Arnett,)	No. CV-12-0311-TUC-DCB-DTF
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Benjamin Snow Howard, et al.,)	
)	
Defendants.)	
)	

Plaintiff filed a motion to submit a Sur-reply regarding Defendants' Motion to Dismiss. The motion incorporates the arguments of the sur-reply and asks the Court to strike Defendants' Reply brief. Defendants filed a motion to strike Plaintiff's Motion for Sur-reply. Having reviewed the entirety of the briefing on the Motion to Dismiss, the Court finds a sur-reply is not necessary nor is there a basis to strike Defendants' reply brief.

Plaintiff also filed a Motion for Admonishing Practice due to his concern that Defendants have included misleading statements in recent filings. Having reviewed this filing, it appears Plaintiff and Defendants disagree about the facts and the law; however, there is no egregious behavior on either party's behalf.

Accordingly,

IT IS ORDERED that Plaintiff's Motion to File Sur-Reply (Doc. 32) is **DENIED** and Defendants' Motion to Strike the Sur-Reply (Doc. 33) is **DENIED as Moot**.

1 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Admonishing Practice
2 (Doc. 44) is **DENIED**.

3 DATED this 28th day of May, 2013.

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A handwritten signature in black ink, appearing to read 'D. Thomas Ferraro', is written over a horizontal line.

D. Thomas Ferraro
United States Magistrate Judge